



BOARD OF APPEALS
Enid Starr, Co-Chair
Jesse Geller, Co-Chair
Robert De Vries

Town of Brookline

Massachusetts

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TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 080001

Petitioner, Dexter School, applied to the Building Department for a permit to construct a fifth floor addition on the existing four-story "Mid-rise Building" at their school located at 20 Newton Street. The application was denied and an appeal taken to this Board.

On January 10, 2008 the Board of Appeals met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals, and the Board of Appeals fixed January 31, 2008 at 7:15 p.m., 2nd floor, Main Library, as the time and place for a hearing on the appeal. Notice of the hearing was mailed to the Petitioners, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board, and to all others required by law. Notice of the hearing was published January 17 and 24, 2008 in the Brookline Tab, a newspaper published in Brookline. Copy of said notice is as follows:

TOWN OF BROOKLINE
MASSACHUSETTS
BOARD OF APPEALS
NOTICE OF HEARING

Pursuant to M.G.L., C.39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: **DEXTER SCHOOL**
Location of Premises: **20 NEWTON ST BRKL**
Date of Hearing: **01/03/2008**
Time of Hearing: **07:15 p.m.**
Place of Hearing: **Main Library, 2nd fl.**

A public hearing will be held for a special permit and/or variance from:

- 1) **5.08.2; Exceptions to Dimensional Requirements for Uses 9 and 10, Special Permit Required.**
- 2) **5.30; Maximum Height of Buildings, Variance Required.**

Of the Zoning By-Law to construct a fifth floor addition to the existing "Mid-rise Building" for the Dexter School at **20 NEWTON ST BRKL**.

Said Premise located in a **S-40** District.

Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.

The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.

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Present at the hearing were the Chair, Kathryn Ham, and Board Members Robert De Vries and Mark Allen. The Dexter School Business Manager, Richard Saul, was present and the School was represented by Attorney John J. Griffin, Jr. of Edwards Angell Palmer & Dodge, 111 Huntington Ave., Boston, MA

02199 and Ms. Gail Woodhouse, architect, of Imai Keller Moore Architects, 70 Phillips St., Watertown, MA. 02472.

Ms. Woodhouse described the site and neighborhood as a private boys' day school, the Dexter School, and a private girls' day school, the Southfield School. The campus is located atop one of the highest hills in Brookline, Mount Walley, on what was the former estate of Mrs. R.W. Sears, and then a seminary for the Mary-knoll religious order. The School maintains the former estate house and out buildings. The School has made various changes to the site since it purchased the property in 1967, including building multiple classroom buildings, a gymnasium building, and other recreational facilities, including a pool, ice skating/tennis facility, and athletic field, and a science center. She said that the surrounding neighborhood is primarily residential, with the exception of Larz Anderson Park, which is on the other side of Newton Street across from the site. The School is bounded by Boston to the east and the Brandegee Estate and Allandale Farm to the south and west.

Ms. Woodhouse said that the Dexter School, would like to construct a fifth story on top of an existing four-story building, the Mid-rise building. The Mid-rise building was initially built in 1992 as a three-story structure, with the intention of adding two more floors in the future, hence its name. In 1996, the School applied for and received relief to construct two additional floors on top of the building, but the School only completed one story. The School is now applying for relief to construct the fifth floor, the final phase of the originally-planned project.

She said that the proposal involves partially removing the existing roof and constructing a fifth story with approximately 6,300 s.f. of area. The building currently has a footprint covering 8,500 s.f. and a total floor area of 25,500 s.f. The building's first level is an open garage; the second level consists of classrooms; the third level has classrooms and faculty residences; and the fourth level is used for classrooms. The proposed fifth level would be used for classrooms as well as office and storage space.

The new 5th floor would be set back from the edge of the fourth-story roofline and have a partial flat roof with simple gable dormers, along with a tower on the front of the building that would conceal the elevator mechanicals. The new story's exterior would be finished in the same materials as that on the building's lower floors and similar to the other school buildings on the site: neutral-colored EIFS walls, brown windows, and a red tile roof.

The architect addressed some of the neighbor's concerns voiced at the Planning Board hearing. She provided a sun study, undertaken in 1997 that graphically depicts the height of the building at full build-out and its visual and shadow cast impact on the neighbor's residential property below on Newton Street. She stated that the down-slope neighbors were concerned about the water run-off from the site and that they expressed concern that the additional floor may exacerbate the problem. Ms. Woodhouse said that the School had hired an engineering firm to look into the drainage issues on the site. She said that the site is composed of "glacial till", a hard, mostly impervious clay-like material. Water from rain events hitting the site, would sheet off-slope without significant infiltration and impact the neighborhood below. She said that in the consultant's opinion the water issues were not from the school buildings but from the impervious soils. The School addressed the water issues by directing all the water off the Mid-rise building to a storm drain system which is directed to the north east of the building near Newton Street. The Business Manager, Mr. Saul said that over the years the School has undertaken many initiatives to ameliorate the water issues caused by the poor soil conditions at the site. He said that although the roof drains from the Mid-rise building flow through a closed system to the northeast, the School constructed a macadam berm along the northern and western campus road edge with a series of catch basins to intercept sheet flow from the facility before it can flow downhill and, thereby, exacerbate the neighbor's water issues. He said that the storm drain system directs most of the water toward Allendale Farm and the system is regularly maintained. He reported that the consultant's report opined that part of the neighbor's

water issue may be due to the fact that an earthen swale, which had been installed by the developer of the Newton Street residential properties uphill from the residences, but on the neighbor's property, had not been adequately maintained and consequently did not function as originally intended. Ms. Woodhouse said that screening for the Mid-rise building was addressed during the construction of the 1997 project and landscaping required by the Board of Appeals decision at that time was installed and now is firmly established.

The Chairperson then asked if there were any members of the public who wished to speak in support of or in opposition to the Petitioner's proposal. Two neighbors spoke in opposition. Sharon Mills of 50 Newton Street said that since her home is so much lower than the subject building, it has the appearance of a high-rise building, and the condensers to be installed on the roof will make the building even more unsightly. She said that run-off from the school has always been a problem, and the additional floor may make it worse. She invited members of the Board to visit her home to see her view of the Mid-rise building. Stuart Levey of 64 Newton Street said that the sun-study undertaken in 1996/97 was old and should be up-dated, that the drainage from the school is flawed and should be investigated, and that the mechanical equipment installed on the roof will, in effect, increase the height of the building beyond what the petitioner has represented to the Board. He said that the petitioner should be required to provide a certified landscape plan as part of the decision to mitigate the visual impact from his home. The Chair then paraphrased a letter submitted to the Board by the Jamaica Hills Association dated 28 January, 2008; which stated that while the Association did not oppose the current proposal, it wanted the Board to impose a condition requiring the School to work with the Association and residents to improve safety and traffic problems generated by the Dexter School commuters. The letter also requested that the School provide adequate notice to the Jamaica Hills Association of any future construction or expansion projects. The Zoning Administrator reiterated the requirements of Mass General Law, Chapter 40A relative to

abutter notification, and noted that the same parties notified for this petition, including those in Boston, would be notified again should another petition be forwarded to the Board.

Lara Curtis, planner, addressed the findings of the petition.

Section 5.30 – Maximum Height of Buildings

	Maximum	Existing	Proposed	Finding
Height of Mid-Rise Building	35 feet	45 feet (approx.)	57.5 feet	Variance / Special Permit*

* Under Section 5.08.2, the Board of Appeals may grant a special permit to modify the dimensional requirements in Article 5 of the Zoning By-law for uses #9 (religious) and #10 (educational) to the extent necessary to allow reasonable development of such a use in general harmony with other uses permitted and as regulated in the vicinity.

Ms. Curtis said that the Planning Board is not opposed to the proposed construction of a fifth floor on the Mid-rise Building at the Dexter School, which was the original intent of the School approximately 10 years ago. The Board of Appeals found this proposal reasonable in the past, and the Planning Board does not believe the situation has changed. The building is a significant distance from residences, an evergreen landscape buffer has been installed and maintained to shield its view from abutters, and the visual impact of another story should be minimal. The addition is attractively designed to integrate well with the existing building and with the other adjacent school buildings. However, the applicant should ensure the mechanical equipment on the roof of the building is not visible or audible to neighboring residence, and should ensure any water runoff is addressed appropriately on site. Finally, the applicant has proposed an alternate roof scheme with a slightly steeper pitch resulting in an approximate 11-inch increase in height over that originally proposed. The Planning Board prefers the steeper pitch proposal. Therefore, the Planning Board recommends approval of the proposal and the plans, entitled “Level 5 Addition Mid-rise Building,” prepared by Imai Keller Moore Architects and dated 12/17/07, subject to the following conditions:

1. Prior to issuance of a building permit, final elevations with material specifications, and if desired, indicating a redesign of the proposed roof that would raise its height approximately 11 inches, shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
2. Prior to issuance of a building permit, a plan indicating how rooftop utilities will be shielded both visually and audibly shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
3. Prior to issuance of a building permit, a drainage and water runoff plan of the new addition shall be submitted to the Engineering Department for review and approval, with a copy forwarded to the Planning Department.
4. Prior to the issuance of a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor; 2) final building elevations, stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

The Chairperson then called upon Frank Hitchcock, Plan Examiner. Mr. Hitchcock spoke on behalf of the Building Department. Mr. Hitchcock stated that all the relief required for this proposal could be granted by Special Permit. He said that a Special Permit under Section 5.08.2, allows the Board of Appeals to modify the dimensional requirements in Article 5 of the Zoning By-law for educational uses to the extent necessary to allow reasonable development of such a use in general harmony with other uses permitted and as regulated in the vicinity. He said that there were multiple buildings on the site of all ages. He said the newer buildings such as the one in this proposal all have a roof drainage system and, in his opinion, the addition of a floor to the building would not increase the flow off-site. He reiterated the consultant's position regarding the high clay content of the glacial till on the site and surrounding neighborhood. He said that since the last construction on this building, the Town has adopted a by-law relative to stormwater run-off. Mr. Hitchcock said that the Building Department had no problem with the proposal, the relief required or the conditions recommended by the Planning Board.

Board member Rob De Vries asked about the additional floor and its impact on the drainage, and Mr. Hitchcock reiterated that in his opinion, it would have no impact. He asked about the Planning Board's

reference to increased height, and Ms. Woodhouse stated that the increased height of the mansard portion of the roof would further screen the mechanical equipment on the roof. Mr. Hitchcock explained that the height of a flat roof is measured to the highest point of the roof beams and, in this case, increasing the height of the parapet would have no effect on the building height as required by the By-law. Mr. De Vries commented that the topography of the area exacerbates the visual impact of the school facility. He said that in his opinion this addition has far less impact than the construction of a new building, and that from an architectural perspective, the addition of a floor to this building is a relatively minor change. Board member Mark Allen asked about a planting plan to help mitigate the visual impact of the building to the neighbors below. The architect responded that all of the plantings that were required for the initial approval are now in place, and have grown substantially. The Chair then asked about the sound from the chillers, and its impact on the neighbors. Mr. Hitchcock replied that the Town has a noise by-law and the units would have to comply with its requirements.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that is desirable to grant a Special Permit under Section 5.08.2 of the Zoning By-law. The Board makes the following findings pursuant to Section 9.05:

- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- e. The development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people.

Therefore, the Board voted unanimously to grant all the Special Permit relief with the following conditions:

1. Prior to issuance of a building permit, final elevations with material specifications, and, if desired, a redesign of the proposed roof that would raise its height approximately 11 inches shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
2. Prior to issuance of a building permit, a plan indicating how rooftop utilities will be visually shielded shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
3. Prior to the issuance of a building permit, a study from an acoustical engineer shall be submitted to the Assistant Director for Regulatory Planning, verifying that there shall be no increase in noise from the mechanical equipment on the Mid-rise building, and exploring alternate locations for existing or proposed mechanical equipment, if it would aid in mitigating noise.
4. Prior to the issuance of a building permit, a construction management plan, including hours of construction, delivery of materials to the site, location of construction vehicles, and management of stormwater run-off during construction, shall be submitted for review and approval by the Transportation Director with a copy of the approved plan submitted to the Planning Department.
5. Prior to issuance of a building permit, a landscape plan stamped by a landscape architect indicating the location of existing and proposed landscaping, including at least one mature tree and related plantings to help mitigate the Newton Street neighbors' view of the Mid-rise building, shall be submitted for the review and approval of the Assistant Director for Regulatory Planning.
6. Prior to the issuance of a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor; 2) final building elevations, stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of
the Board of Appeals

Filing Date: February 7, 2008

A True Copy

ATTEST:



Patrick J. Ward

Clerk, Board of Appeals



Kathryn R. Ham